

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-17114**



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST SUMMARY REPORT



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Case Number: 17-17114

OIG Inspector: Senior Inspector Louis Cordova

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Dyana Chase

Date Assigned or Initiated: September 24, 2017

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Holmes Correctional Institution

Complainant: Addison "Walt" Summers

Outside Agency Case #: PE-37-0091

Use of Force Number: 17-17272

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

On September 24, 2017, the Department of Corrections Office of the Inspector General received notification Inmate Rueben Harris (DC#203849) in F1-dormitory at Holmes Correctional Institution) [REDACTED]. [REDACTED] and Inmate Harris [REDACTED] where he was pronounced deceased. Florida Department of Law Enforcement (FDLE) notification was made, and Inspector Kate Gustafson responded to Holmes Correctional Institution on September 24, 2017, to provide investigative assistance to FDLE. On February 28, 2018, the case was re-assigned to Senior Inspector Louis Cordova.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

According to Special Agent Dyana Chase, on September 24, 2017, the FDLE was contacted by the Florida Department of Corrections (FDOC) Office of Inspector General (OIG) regarding the death of Inmate Harris at the Holmes Correctional Institution. Prior to his death, Inmate Harris was suspected of using K2 and was involved in a physical altercation with correctional officers that resulted in the use of a chemical agent. Inmate Harris [REDACTED] during a decontamination shower [REDACTED] [REDACTED] in Bonifay, Florida, where he was pronounced deceased at 3:14 pm.

Video surveillance was obtained from the [REDACTED]-dormitory, [REDACTED]-dormitory, and from a handheld camera that was activated by correctional officers once Inmate Harris was placed in the decontamination shower. Resident Agent in Charge (RAC) Troy Roper conducted a preliminary review of the video surveillance and discovered that the use of force incident was not in view of the video cameras.

Investigator's Note: *The reactionary use of chemical and physical force involving Inmate Harris was documented in I.G. Case# 17-17272.*

On September 25, 2017, an autopsy was conducted on Inmate Harris by Dr. Jay Radtke, Medical Examiner in the Fourteenth Judicial Circuit (Medical Examiner's Case# 2017-MLA-0356). Dr. Radtke ruled Inmate Harris's death was accidental and [REDACTED]. The [REDACTED] [REDACTED]

In her summary, Special Agent Chase indicated that during the course of her investigation, numerous statements were obtained from inmates, correctional officers [REDACTED] FDOC records and video surveillance were obtained and reviewed, evidence was collected and the District 14 Medical Examiner's Office responded to investigate and subsequently conducted an autopsy. During the autopsy, no signs of trauma were discovered.

During interviews conducted by FDLE agents, numerous inmates from the F1-dormitory reported that Inmate Harris was high and had smoked an unknown substance and/or specifically, K2 or tunechi. Additionally, multiple inmate witnesses stated Inmate Harris was acting belligerent and violent and



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was yelling, screaming and cursing. The District 14 Medical Examiner's Office determined that Inmate Harris' cause of death [REDACTED] ADB-Fubinaca is a synthetic cannabinoid, and is a Schedule I Controlled Substance. The manner of death was determined to be an accident.

Special Agent Chase further summarized that her investigation revealed that the correctional officers' actions were not associated with Inmate Harris' cause of death.

Investigator's Note: *Senior Inspector Cordova reviewed the investigation completed by FDLE, and there were no administrative issues identified. There were inmates who were interviewed during the course of this investigation who did allege excessive force was used by staff in trying to subdue Inmate Harris. Specifically, it was alleged that chemical agents were sprayed directly into Inmate Harris's mouth. This Use of Force incident is currently being reviewed by the Office of Inspector General's Use of Force Unit and a determination will be made if staff used excessive force, and whether there were violations of procedure found.*

VII. CHARGES

There were no charges. Dr. Radtke ruled Inmate Harris's death was accidental [REDACTED]
[REDACTED]

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Dyana Chase's investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate Harris be termed as follows:

- **Exceptionally Cleared**